



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

100266

April 2, 1993

Mr. N. V. Raman
Delaware Department of Natural Resources
and Environmental Control
715 Grantham Lane
New Castle, DE 19720

Re: Record of Decision (ROD) for Standard Chlorine

Dear Mr. Raman:

This letter is a follow-up to our telephone conversation concerning clarification of the Delaware Department of Natural Resources and Environmental Control's (DNREC's) role in the development and issuance of the ROD for the Standard Chlorine Superfund Site.

The Environmental Protection Agency (EPA) has reviewed the applicable provisions of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and the Consent Order between DNREC and Standard Chlorine. While it does appear that some of the provisions of the Consent Order are inconsistent with the requirements of the NCP, I believe that the intent of both can be achieved as outlined below.

The NCP, at 40 C.F.R. Part 300.515(e)(2), describes two scenarios under which the State shall prepare the ROD and seek EPA's concurrence on the adoption of the remedy specified therein. These cases are: 1) Fund financed state lead sites, and 2) non-Fund financed state lead enforcement actions (i.e. actions taken under state law). The circumstances involved at the Standard Chlorine Site do not fall into either of these categories, since it is a state lead enforcement site invoking Comprehensive Environmental Response Compensation and Liability Act (CERCLA) authority. Therefore, it is our belief that EPA would have to issue the ROD for this site.

As in the past, however, EPA would work closely with DNREC in developing the Proposed Plan and the draft ROD. We would also seek the state's concurrence on the Final ROD. The state's concurrence on the ROD should satisfy the provision contained in Section 26 of the state Consent Order which provides that DNREC shall issue a "State of Delaware Record of Decision".

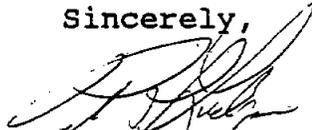
Over the past few years EPA and DNREC have developed a

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healthy working relationship within the Superfund Program. We have modified our respective roles and adapted our strategies to deal with site specific issues, workload distribution and time constraints. The Standard Chlorine site is another challenge that will require us to work closely to achieve our mutual objective of site cleanup. I'm confident that we will achieve this objective.

If you have any questions, or would like to discuss this matter in more detail, please call me at (215) 597-9118.

Sincerely,



Peter J. Ludzia, Chief
DE/MD Section

cc: Sarah Keating, EPA
Kate Lose, EPA
Anne Hiller, DNREC

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